GEAUGA COUNTY PROBATE COURT
JUDGE TIMOTHY J. GRENDELL

CHECKLIST - DELAYED REGISTRATION OF BIRTH RECORD

These instructions are provided as a public service of the Geauga County Probate Court, are intended as a guideline only, and are not legal advice. Depending on the circumstances of each case, additional steps may be required that are not listed below. The clerks are not attorneys and therefore cannot answer legal questions or assist you in completing the forms or deciding which forms apply to your situation. The documents that you file must be typewritten or legibly handwritten, and completed in their entirety. The clerks may refuse for filing illegible or incomplete documents.

Background

If a birth certificate is submitted more than 10 days after the birth occurred, then that constitutes a delayed birth. There are different rules regarding delayed birth registrations depending on when the birth certificate is filed. Please review R.C. §3705.10, R.C. §3705.15, and OAC §3701-5-16.

- If the birth certificate is filed more than 10 days after birth, but within one year, it will be registered without the need to involve the Probate Court if any of the following conditions met:
    - Birth certificate is signed by the attending physician; or
    - If a physician was not present at the birth or the physician has passed away, then an affidavit by someone other than a parent as to the date, time, place and parties to the birth may be used, and the record will be registered.
- If a birth certificate is filed more than one year, but not more than seven years after birth, the following conditions apply:
    - If the attending physician signs the birth certificate, the local registrar asks the State Department of Health if a certificate has been filed. If the state registrar confirms that there is no registration and approves the application, the birth will be registered; or
    - If there was no attending physician, <u>then the birth must be registered through the Probate Court</u>.
- Regardless of whether there was an attending physician, if it has been more than seven years since the birth occurred and no birth certificate has been issued, the birth must be registered through the Probate Court.

  To apply for a Delayed Birth Registration through the Probate Court, the birth must have occurred within the State of Ohio and be filed in either (i) the county of birth, (ii) county of child's current residence, or (iii) where the mother resided when the birth occurred

Filing Requirements

1. **HEA 2782 Package – Application for Registration of Birth.** (includes HEA 2785 Finding and Order Establishing Registration of Birth, supporting affidavits, and affidavit of physician - see below in Additional Notes).

2. **Letter – Ohio Department of Health**. Obtain and present a letter from the Ohio Department of Health stating that there is no birth record for applicant or minor child, as applicable.

3. **Court Cost Deposit.** Arrange for payment of court cost deposit. See the "Probate Court Costs" on the Court's website. See additional note below regarding indigent applicant.

Additional Notes

- If available, you must provide an Affidavit of the attending physician or certified nurse who was present at the birth. Otherwise, provide at least two affidavits of persons having knowledge of the facts stated in your application. In either case use the affidavit forms in the HEA 2782 package.

- Additionally, present any other evidence that supports the facts stated in the application.

- The Court may set the application for hearing, which shall be at least seven days after the filing date of the application. Additionally, the Court may require one publication of notice of the hearing date in a newspaper of general circulation (e.g. the News-Herald), no less than seven days before the hearing date - see Geauga Probate Local Rule 78.18. If the Court sets the matter for hearing, the applicant must be present and shall cause two credible witnesses to attend the hearing, who will give sworn testimony of the facts set forth in the application.

- Indigent. If the Filer is Indigent and prepares and files form GCPF 65.0 Financial Disclosure Affidavit together with the filing, then the Clerk will permit the filing without payment of the security deposit; provided however that if the Court disapproves that form, then the Filer must pay the security deposit no later than 30 Calendar Days after the court order of disapproval. (See Geauga Probate Local Rule 58.2(A)).